



Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

James R. Paschall  
Senior General Attorney



(757) 629-2759

April 14, 2009

**VIA UPS NEXT DAY AIR**

Ms Anne K Quinlan, Acting Secretary  
Surface Transportation Board  
395 E Street, S W  
Washington, D C 20024

224893

Re STB Docket No AB-290 (Sub No 310X), Norfolk Southern Railway  
Company – Abandonment - In Floyd and Polk Counties, Georgia –  
Notice of Exemption

Dear Ms Quinlan

Enclosed for filing with the Board in the captioned proceeding are an original and  
ten copies of the Notice of Exemption Also enclosed is a check in the amount of  
\$3,700 00 to cover the filing fee

Please acknowledge receipt on the enclosed copy of this letter and return it to me  
in the enclosed, self-addressed, stamped envelope

Yours very truly,

James R Paschall

ENTERED  
Office of Proceedings

APR 15 2009

Part of  
Public Record

JRP/kch  
Enclosures

**FILED**

APR 15 2009

**SURFACE  
TRANSPORTATION BOARD**

**FEE RECEIVED**

APR 15 2009

**TRANSPORTATION BOARD**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**DOCKET NO AB-290 (SUB-NO. 310X)**

**NORFOLK SOUTHERN RAILWAY COMPANY**

**-- ABANDONMENT--**

**IN FLOYD AND POLK COUNTIES, GEORGIA**

**VERIFIED NOTICE OF EXEMPTION**

**COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U S C §§ 10903, pursuant to the provisions of 49 U S C § 10502 and 49 CFR § 1152 50, for abandonment of its line of railroad lying between mileposts 3.69-N and 16 00-N in Floyd and Polk Counties, Georgia**

**Service over the line proposed for abandonment was discontinued in 1977 (ICC Docket No AB-26 (Sub-No 9)) Other segments of the N line (which originally extended from McDowell, Alabama to Atlanta Junction, Georgia) between Atlanta Junction, Georgia and Jacksonville, Alabama were abandoned from 1977 to 1995 under ICC decisions concerning separate abandonment proceedings ICC Dockets Nos AB-290 (Sub-No 71X), AB-290 (Sub-No 62X), and AB-290 (Sub-No 171X) In 2008, the line segment between milepost 55 10-N near Fort McClellan, Alabama, and milepost 61 00-N near Anniston, Alabama, was abandoned pursuant to STB Docket**

No AB-290 (Sub-No 265X), *Norfolk Southern Railway Company – Abandonment Exemption – In Calhoun County, AL*. In addition, another segment on the line between Lilita, Alabama and McDowell, Alabama was abandoned in 1949 under the ICC's decision in ICC Finance Docket No 16428

Pursuant to the Board's regulations codified at 49 CFR § 1152.50, NSR states as follows

**Traffic Certification** - §§ 1152.50(b) and (d)(2)

As the attached certificate of General Manager R. A. Bartle confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U S District Court or has been decided in favor of a complainant concerning cessation of service over this line within the two-year period

**Consummation Date** - § 1152.50(d)(2)

The effective date of the abandonment between mileposts 3.69-N and 16.00-N in Floyd and Polk Counties, Georgia, will be June 4, 2009

**General Corporate Information** - § 1152.22(a)(1-2) and (7)

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is

**James R Paschall  
Senior General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510  
(757) 629-2759**

**Description of the Line and the Relief Sought - § 1152 22(a)(3-4 and 7)**

**The relief sought is an exemption from the prior approval requirements of 49 U S C §10903 in order for NSR to abandon the subject line. The line that will be subject to abandonment under the exemption consists of 12.31 miles of track between mileposts 3.69-N and 16.00-N in Floyd and Polk Counties, Georgia. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Codes 30124 and 30161.**

**Because Georgia highway construction will sever the line and disconnect it from the national rail network, NSR also requests exemption from 49 U S C. 10904 (offer of financial assistance procedures).**

**Suitability of the Line for Other Public Purposes - § 1152 22(e)(4)**

**NSR is not aware of any restriction on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes but will provide full title information promptly if it receives a proposal to acquire the property for public purposes.**

**Labor Protection - § 1152 50(d)(2)**

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

**Environmental and Historic Reports, Certifications - § 1105 7 and § 1105 8**

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105 7, § 1105 8 and § 1105 11 have been met.

**Service and Newspaper Notice Requirements Certification - § 1152 50(d)(1-2)**

As the attached certification indicates, NSR certifies that it has complied with the service and notice requirements of § 1152 50(d)(1)(certain government agencies) and § 1105 12 (newspaper notice).

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from the prior approval requirements of 49 U.S.C. §§ 10903 pursuant to 49 C.F.R. § 1152 50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted,



---

John H. Friedmann  
Vice President  
Norfolk Southern Railway Company

Of Counsel.

James R. Paschall  
Senior General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191  
(757) 629-2759

Attorney for Norfolk Southern Railway Company

Dated April 14, 2009

**CERTIFICATION**

**STATE OF GEORGIA**

**SS**

**CITY OF ATLANTA**

R. A Bartle makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company, that the line between milepost 3 69-N (Six Mile) and milepost 16 00-N (Cave Spring) in Floyd and Polk Counties, Georgia, which is to be abandoned, is subject to his supervision and direction, that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U S District Court or has been decided in favor of the complainant within the two-year period

  
\_\_\_\_\_  
R A Bartle

Subscribed and sworn to before me  
this 27 day of FEBRUARY, 2009

  
\_\_\_\_\_  
Notary Public

My commission expires  
WILBURN L. ADAMS JR.  
NOTARY PUBLIC, HENRY COUNTY, GA  
MY COMMISSION EXPIRES SEPT. 29, 2010


VERIFICATION

COMMONWEALTH OF VIRGINIA

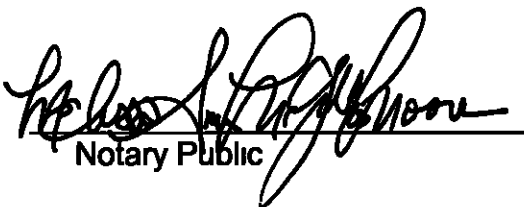
SS

CITY OF NORFOLK

John H. Friedmann, being duly sworn, deposes and says that he is Vice President of Norfolk Southern Railway Company, that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No 310X) on behalf of Norfolk Southern Railway Company, that he has carefully examined all of the statements contained in said Notice of Exemption, that he has knowledge of the matters set forth therein, and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief

  
\_\_\_\_\_  
John H. Friedmann

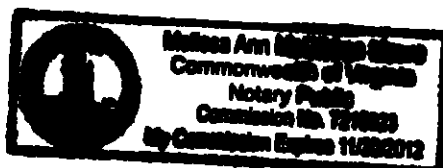
Subscribed and sworn to before me  
this 7<sup>th</sup> day of April, 2009

  
\_\_\_\_\_  
Notary Public

My commission expires

11 / 30 / 2012

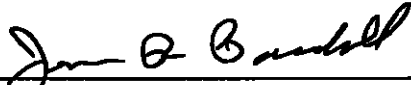
[SEAL]





### CERTIFICATION

I hereby certify (1), pursuant to § 1105 11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105 7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2), (2), pursuant to § 1105 12, that a notice of intent to abandon rail service was published in the *Rome News Tribune*, Rome, Georgia, on March 19, 2009 (see Exhibit 3), and (3) that the notice required by § 1152 50(d)(1) was given (see Exhibit 4)

  
\_\_\_\_\_  
James R Paschall

Dated April 14, 2009

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon the following parties, by first class mail, postage prepaid, on April 14, 2009

Mr Chuck Eaton, Chairman  
Georgia Public Service Commission  
244 Washington Street, S W  
Atlanta, Georgia 30334

Mr Harvey Kepler, Administrator  
Office of Intermodal Programs  
Georgia Department of Transportation  
2 Capitol Square, S W  
Atlanta, Georgia 30334

U S Department of Agriculture  
Chief of the Forest Service  
Sidney R Yates Federal Building  
1400 Independence Ave , SW  
Washington, DC 20250-0003

Regional Director  
National Park Service-Southeast Region  
100 Alabama Avenue, S W  
Atlanta, GA 30303

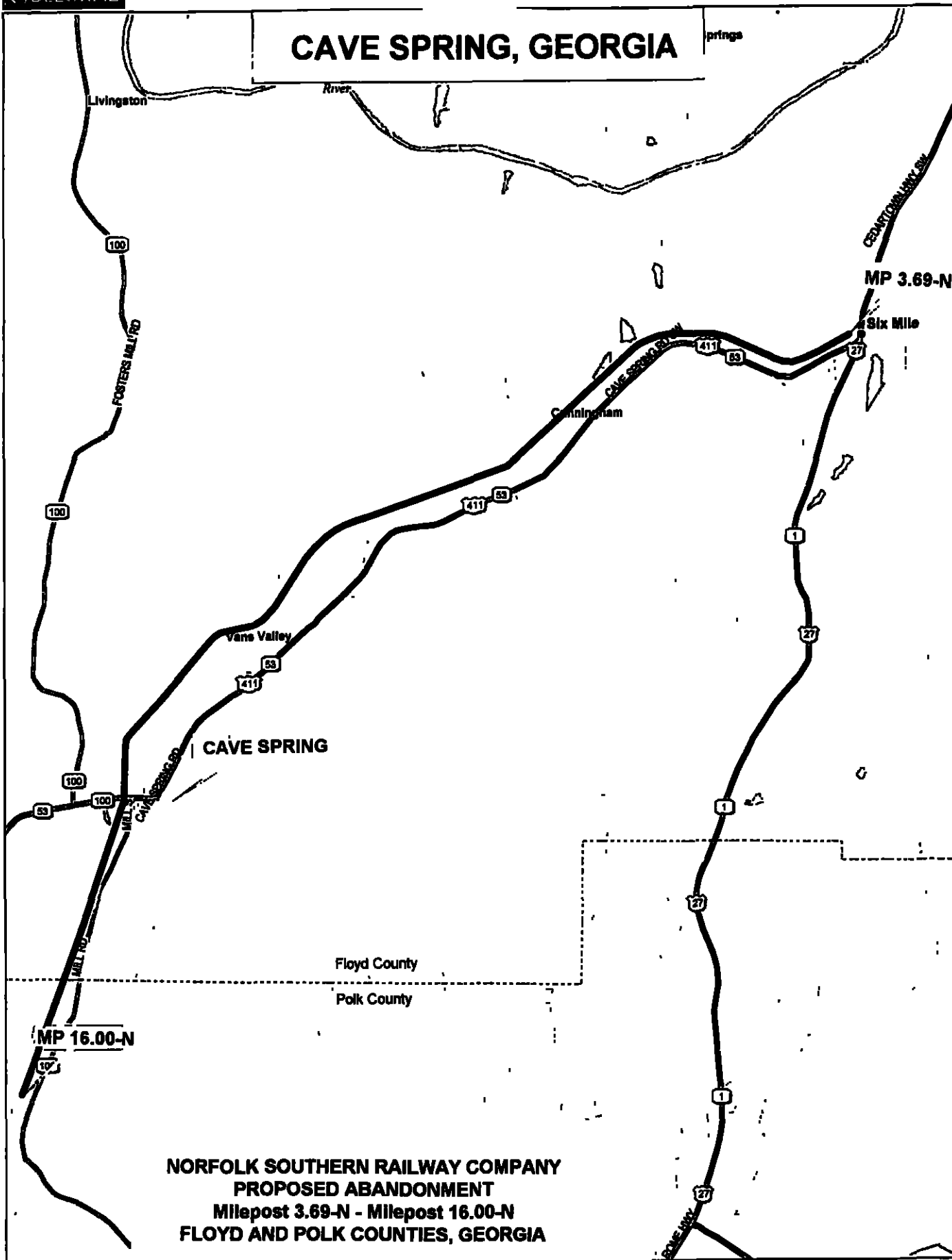
Ms Jan Matthews, Associate Director  
U. S Department of the Interior  
National Park Service  
Cultural Resources, Room 3126  
1849 C Street, N W  
Washington, DC 20240

U S Dept of Defense (SDDCTEA)  
Railroads for National Defense Program  
709 Ward Drive  
Bldg 1990, Room 2E264  
Scott AFB, IL 62225

  
James R Paschall



# CAVE SPRING, GEORGIA



**NORFOLK SOUTHERN RAILWAY COMPANY  
PROPOSED ABANDONMENT  
Milepost 3.69-N - Milepost 16.00-N  
FLOYD AND POLK COUNTIES, GEORGIA**

## **EXHIBIT 2**

### **ENVIRONMENTAL AND HISTORIC REPORTS**

**NORFOLK SOUTHERN RAILWAY COMPANY  
STB DOCKET NO. AB-290 (Sub-No. 310X)  
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP 3.69-N and MP 16.00-N,  
IN FLOYD AND POLK COUNTIES, GEORGIA**

**ENVIRONMENTAL REPORT**

**December 19, 2008  
Revised February 5, 2009  
and February 18, 2009**

.....  
**NORFOLK SOUTHERN RAILWAY COMPANY  
THREE COMMERCIAL PLACE  
NORFOLK, VIRGINIA 23510-9207**

**NORFOLK SOUTHERN RAILWAY COMPANY**

**STB DOCKET NO. AB-290 (Sub-No. 310X)**

**ENVIRONMENTAL REPORT ON  
PROPOSED RAIL LINE ABANDONMENT**

**49 CFR 1105.7(e)(1) Proposed Action and Alternatives.**

*Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

**RESPONSE** Norfolk Southern Railway Company (NSR) proposes to abandon 12.31 miles of rail line between railroad milepost 3.69-N and railroad milepost 16.00-N in Floyd and Polk Counties, Georgia. Abandonment authority is being sought for this segment so that the Georgia Department of Transportation (GDOT) may construct a new highway across a portion of the right-of-way between milepost 3.69-N and milepost 3.93-N.

Following abandonment, the line segment will be salvaged. The alternatives to abandonment of the entire line are to not abandon the line or to retain the track in place. These alternatives are not satisfactory. Norfolk Southern would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained, and GDOT cannot construct the highway it seeks to construct unless abandonment authority is obtained.

A map delineating the line proposed for abandonment is attached as **Appendix A** NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**

**49 CFR 1105.7(e)(2) Transportation system.**

*Describe the effects of the proposed action on regional or local transportation systems and patterns Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.*

**RESPONSE** Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment

**49 CFR 1105.7(e)(3) Land use.**

*(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies*

**RESPONSE** The proposed abandonment involves 12.31 miles of rail line located in Floyd and Polk Counties, Georgia. The land along this line is in a rural area. NSR believes impacts to land use by the proposed rail line abandonment will be negligible. An outline of future land use plans has been requested from the Floyd County Board of Commissioners, the Polk County Board of Commissioners and from the Mayors of Rome and Cave Spring. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans.

In their joint response, a copy of which is attached in **Appendix C**, the City of Cave Spring, the City of Rome, and Floyd County consider the proposed abandonment consistent with current land use plans for the future development of the community

*(ii) Based on consultation with the U S Soil Conservation Service, state the effect of the proposed action on any prime agricultural land*

**RESPONSE** Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service

In their response, the USDA-NRCS advises that there are prime farm lands in the area of the proposed abandonment, but there will be no impact on the farm land from the proposed action A copy of this response is attached in **Appendix C**.

*(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec 1105 9.*

**RESPONSE.** In a letter dated February 11, 2009, a copy of which is attached in **Appendix C**, the Georgia DNR Coastal Resources Divisions states that the abandonment of 12.31 miles of rail line in Floyd and Polk Counties is not likely to have impacts on coastal counties

*(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U S C. 10906 and explain why*

**RESPONSE** NSR does not have fee title to the entire right of way underlying the line proposed for abandonment, therefore, NSR will not have a contiguous corridor available for public use



**49 CFR 1105.7(e)(4) Energy.**

*(i) Describe the effect of the proposed action on transportation of energy resources.*

**RESPONSE** Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation

*(ii) Describe the effect of the proposed action on recyclable commodities.*

**RESPONSE** Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation

*(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.*

**RESPONSE** The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line in over two years

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:  
(A) 1,000 rail carloads a year, or  
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

**RESPONSE** No traffic will be diverted from rail to motor carriage as a result of the proposed action.

**49 CFR 1105.7(e)(5) Air.**

- (i) If the proposed action will result in either*  
*(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or*  
*(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or*  
*(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

**RESPONSE:** The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either*  
*(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*  
*(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or*  
*(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.*

**RESPONSE** The above thresholds will not be exceeded Floyd County, Georgia is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U S. Environmental Protection Agency, with the exception of particulate matter (2.5) Polk County, Georgia is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U S Environmental Protection Agency

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify the materials and quantity; the frequency of service, safety practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and spills, contingency plans to deal with*

*accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment*

**RESPONSE** Not applicable

**49 CFR 1105.7(e)(6) Noise.**

*If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:*

- (i) An incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) An increase to a noise level of 65 decibels Ldn or greater.*

*If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed*

**RESPONSE** The above thresholds will not be exceeded

**49 CFR 1105.7(e)(7) Safety.**

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings)*

**RESPONSE** Abandonment of the captioned rail line will have no significant effect upon public health or safety. There are eight private and five public grade crossings located on the line. A list of the at-grade crossings is attached in **Appendix D**.

- (ii) If hazardous materials are expected to be transported, identify the materials and quantity, the frequency of service, whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials*

**RESPONSE** Not applicable

***(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved***

**RESPONSE:** NSR has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas

**49 CFR 1105.7(e)(8) Biological Resources.**

***(i) Based on consultation with the U S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.***

**RESPONSE** NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U S Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species.

In their response, the U S Fish and Wildlife Service states that the proposed action is not expected to significantly impact fish and wildlife resources. A copy of this response is attached in **Exhibit C.**

***(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects***

**RESPONSE** Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

**49 CFR 1105.7(e)(9) Water.**

***(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards Describe any inconsistencies***

**RESPONSE** Norfolk Southern does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation has been requested from the Georgia Department of Natural Resources and from the United States Environmental Protection Agency.

The response received from the United States Environmental Protection Agency is attached in **Exhibit C**.

***(ii) Based on consultation with the U S Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U S C 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected Describe the effects***

**RESPONSE** The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers.

*(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action*

**RESPONSE:** There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested from the Environmental Protection Agency and from the Georgia Department of Natural Resources.

The response received from the United States Environmental Protection Agency is attached in **Exhibit C**.

**49 CFR 1105.7(e)(10) Proposed Mitigation.**

*Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate*

**RESPONSE** Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. NSR will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

**Additional Information - National Geodetic Survey Marker**

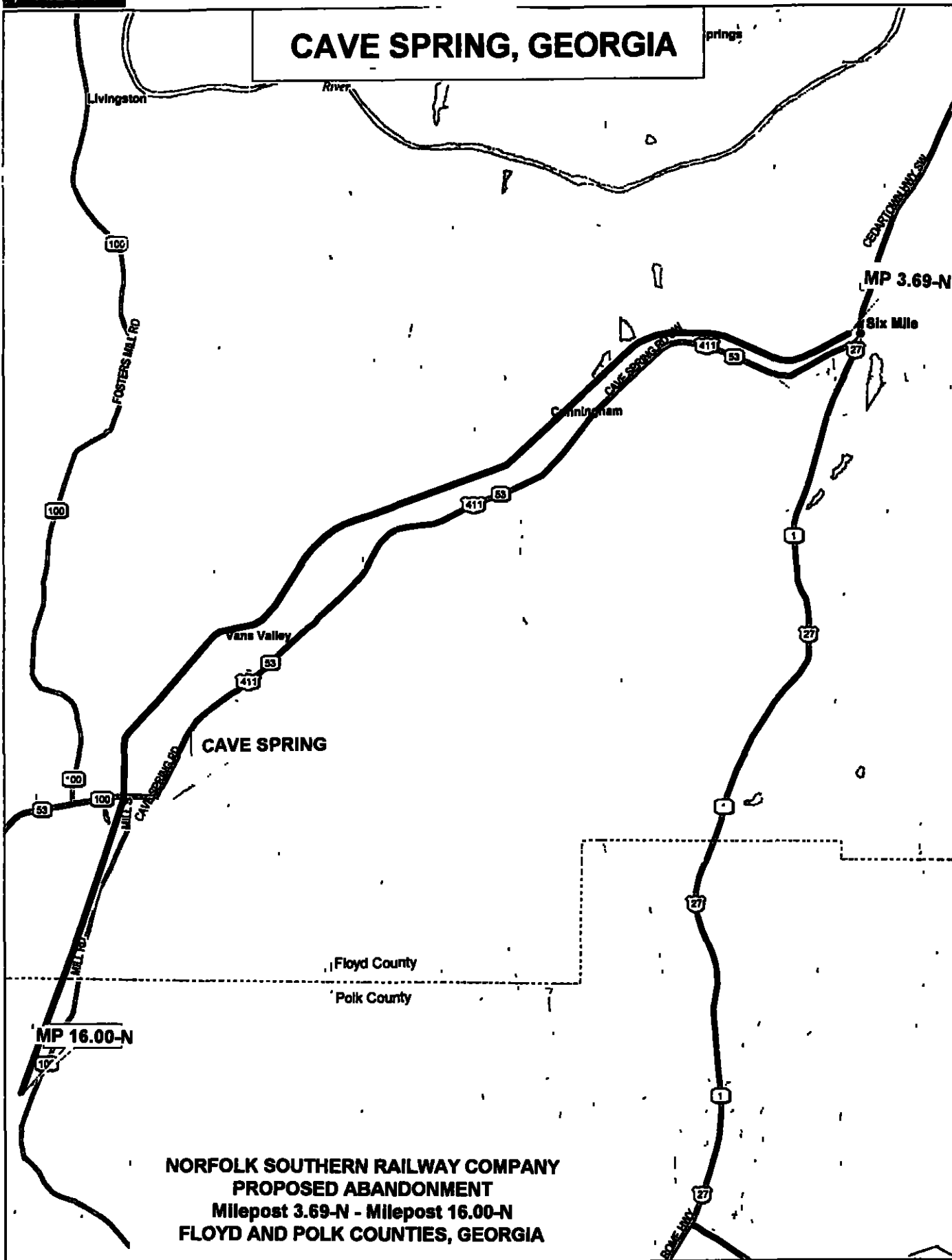
Attached in **Appendix C** is a response from the National Geodetic Survey that states that approximately eleven (11) geodetic survey marks may be located in the area described and if the marks will be disturbed by the abandonment, the railroad shall consult with NGS at least 90 days prior to beginning salvage activities

# **APPENDIX A**

## **Site Map**



# CAVE SPRING, GEORGIA



**NORFOLK SOUTHERN RAILWAY COMPANY  
PROPOSED ABANDONMENT  
Milepost 3.69-N - Milepost 16.00-N  
FLOYD AND POLK COUNTIES, GEORGIA**

## **APPENDIX B**

### **Agency Letters**

## **RECIPIENT LIST**

**Proposed Rail Line Abandonment of the segment of rail line between MP 3.69-N and MP 16.00-N, a distance of 12.31-miles, located in Floyd and Polk Counties, Georgia.**

**Mr Jerry Jennings, Chairman  
Floyd County Board of Commissioners  
8006 Blacks Bluff Road, S W  
Cave Spring, GA 30124**

**Mr Marshall Thaxton, Chairman  
Polk County Board of Commissioners  
144 West Avenue, Suite B  
Cedartown, GA 30125**

**Mayor Rob Ware  
City of Cave Spring  
P O Box 365  
Cave Spring, GA 30124**

**Mayor Wnght Bagby  
City of Rome  
P O Box 1433  
Rome, GA 30162**

**Georgia Planning Research and  
Evaluation Division  
8<sup>th</sup> Floor, 270 Washington Street, S W  
Atlanta, GA 30334**

**United States Army Corps of Engineers  
Civil Works Office-Mobile District  
P O Box 2288  
Mobile, AL 36628**

**US Fish and Wildlife Service  
Region 4  
Century Center  
1875 Century Boulevard  
Atlanta, GA 30345**

**USDA-NRCS  
Federal Building, Box 13  
355 East Hancock Avenue  
Athens, GA 30601**

**US EPA – Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, S W  
Atlanta, GA 30303**

**Ga Dept of Natural Resources  
2 Martin Luther King Jr Drive, S E  
Suite 1252, East Tower  
Atlanta, GA 30334**

**Ga Department of Natural Resources  
Coastal Resources Division  
One Conservation Way  
Suite #300  
Brunswick, GA 31520**

**National Park Service  
Southeast Region  
100 Alabama Street, S W  
Atlanta, GA 30303**

**National Geodetic Survey  
1315 East West Highway  
Silver Spring, MD 10910**



Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

Strategic Planning Department  
Three Commercial Place  
Norfolk, VA 23510-9207  
(757) 629-2679

February 5, 2009

RE Docket No AB-290 (Sub-No 310X), Norfolk Southern Railway Company  
Abandonment – in Floyd and Polk Counties, Georgia

Dear Sir/Madam

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost 3 69-N and Milepost 16 00-N, a distance of 12 31 miles, located in Floyd and Polk Counties, Georgia

Enclosed is a revised Environmental Report which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report.

NSR does not anticipate adverse environmental impacts, however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in an Environmental Report and sent to the Surface Transportation Board (STB). Appendix B of this report lists the various agencies receiving it.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to

Surface Transportation Board,  
395 E Street, S W , Room 1106  
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to Kathy Headrick by email at [kathy.headrick@nscorp.com](mailto:kathy.headrick@nscorp.com), or by mail to

Kathy Headrick  
Coordinator-Abandonments  
Norfolk Southern Corporation  
Strategic Planning Department  
Three Commercial Place  
Norfolk, VA 23510

Sincerely,



Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Railway Company

## **APPENDIX C**

# **Agency Responses**



Kathy Headrick, Coordinator Abandonments  
Strategic Planning – 12<sup>th</sup> Floor  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, Virginia 23510

October 31, 2008

RE Docket No AB-290 (Sub-No 310X), Norfolk Southern Railway Company – Abandonment – in Floyd County, Georgia 12.31 miles of rail line between Milepost 3 69-N and Milepost 16 00-N in Floyd County, Georgia.

Ms Headrick,

The Comprehensive Plan for the City of Rome and Floyd County (including the City of Cave Spring) was adopted in April of 2008 and includes long range goals for the future development of the community. The goal addressing transportation includes a transportation system with a choice of modes, and harmony between transportation modes and land uses. In support of that goal, the Plan includes the policy of developing a trail system throughout the county with the potential to connect with regional trail systems, through implementation of the Rome Floyd Trail Facility Plan, which is part of the Floyd Rome Urban Transportation Study Long Range Transportation Plan (adopted 2008), proposes a trail connection from the City of Rome through Vann's Valley to the City of Cave Spring. The above referenced railroad corridor is one of three alternate routes described, and the only one that would allow development of a multi-use trail.

The Comprehensive Plan also includes the policy of identifying and pursuing rails to trails conversion. Finally, recognizing the concerns agricultural operators may have with trails development and use, the Plan provides a procedure for coordinating trail development in rural areas with the agricultural community.

With that in mind, the City of Cave Spring, the City of Rome and Floyd County would consider the proposed abandonment as a potential opportunity to expand the existing trails system while preserving the intact corridor for possible future use as a railroad corridor.

Thank you for the opportunity to comment on this proposed abandonment. We would like to further discuss the process and especially the abandonment of this particular corridor with you in the near future.

Respectfully,

Jerry Jennings, Chair  
Floyd County Board of  
Commissioners

Wright Bagby, Mayor  
Rome City Commissioners

Rob Ware, Mayor  
City of Cave Spring



Natural Resources Conservation Service  
355 East Hancock Avenue  
Athens, GA 30601

---

Ms Kathy Headrick, Coordinator Abandonments  
Strategic Planning – 12<sup>th</sup> Floor  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, VA 23510

NOV 07 2008

**Re: Docket No AB-290 (Sub-No. 310X), Norfolk Southern Railway Company -  
Abandonment – in Floyd County, Georgia**

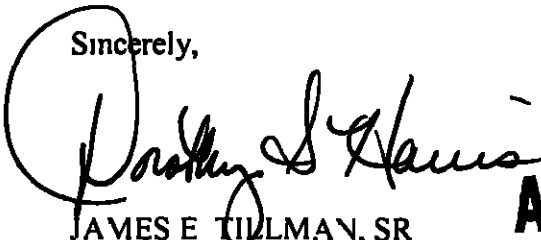
Dear Ms Headrick

This letter is in response to your request for information regarding the possible effects on important (prime or statewide) agricultural land in area of the proposed rail line abandonment for the above location

There are prime and state-wide important farm lands in the area of the proposed rail line abandonment. Because you have stated that no new roads or additional infrastructure will be needed to facilitate the rail removal and all debris will be removed from the area, there will be no impact on the surrounding prime and statewide important farm land from the proposed action.

If you need additional information, please contact Edward Ealy, State Soil Scientist, at (706) 546-2278

Sincerely,

  
JAMES E. TILLMAN, SR  
State Conservationist

**Acting for**

cc Michael Watson, Assistant State Conservationist (FO), NRCS, Griffin, GA  
Sheri Tecms, District Conservationist, NRCS, Rome, GA



**Headrick, Kathy, C**

---

**From:** Kelie Moore [Kelie Moore@dnr.state.ga.us]  
**Sent:** Tuesday, October 28, 2008 1:49 PM  
**To:** Headrick, Kathy, C  
**Subject:** Docket # AB-290 (310X), Norfolk Southern Railway Co - Floyd Co Abandonment

I have reviewed your October 16th letter proposing to abandon approximately 12.31 miles of rail line between Milepost 3.69N and Milepost 16.00-N in Floyd County, Georgia. Floyd county is outside the coastal zone management boundary and the activities described above are not likely to impact coastal uses or resources. The proposed project is consistent with the enforceable policies of the Georgia Coastal Management Program and no additional permits/permissions are required from this Division. This does not relieve you from obtaining any other necessary state, federal or local permits/permissions.

Kelie Moore  
Federal Consistency Coordinator  
& Coastal Resource Specialist  
DNR Coastal Resources Division  
912-264-7218



February 11, 2009

Ms Kathy Headrick  
Coordinator – Abandonments  
Norfolk Southern Corporation  
Strategic Planning Department  
Three Commercial Place  
Norfolk, Virginia 23510

RE Docket No AB-290 (Sub-No 310X), Norfolk Southern Railway Company  
Abandonment – in Floyd and Polk Counties, Georgia

Dear Ms Headrick

The Georgia Coastal Management Program (GCMP) reviews only those activities that are likely to have direct or indirect impacts on resources within the Coastal Zone Area. Abandonment of 12.31 miles of rail line in Floyd and Polk counties is not likely to have impacts on coastal counties.

The Program concurs with your Federal Consistency Determination of No Effects. Thank you for your coordination on this project. Please feel free to contact me if I may be of any further assistance in this or other projects.

Sincerely,

Kelie Moore  
Federal Consistency Coordinator  
Habitat Management Program

RECEIVED OCT 21 2008



Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

OCT 27 2008

Marcellus C. Kirchner  
Director Strategic Planning  
(757) 629-2679  
(757) 823-5807 FAX

October 16, 2008

U. S. Fish and Wildlife Service – Region 4  
Century Center  
1875 Century Boulevard  
Atlanta, GA 30345

RE. Docket No AB-290 (Sub-No 310X), Norfolk Southern Railway  
Abandonment – in Floyd County, Georgia

Dear Sir/Madam.

Norfolk Southern Railway Company is considering the abandonment of rail line between Milepost 3.69-N and Milepost 16 00-N in Floyd County. A map is included delineating the area under consideration.

During the removal of track and materials, if any, Norfolk Southern Company anticipates the use of any new access roads, the need to conduct dredging of fill. Only existing public and private access roads and the Norfolk Southern way should be needed to facilitate operations. In addition, the underfoot will not be disturbed. There are nineteen bridges on the line segment. Upon removal of track and materials the bridges may be removed; however, any other material will be removed from the area, preventing any of the material from entering waterways. Norfolk Southern will also take all measures to prevent and/or control the occurrence of spills or of any pollutants from entering surrounding waterways.

Should Norfolk Southern abandon the rail segment, the approval of the Surface Transportation Board is required. In addition, Federal Regulations 49 C.F.R. 1105.7 (8i) and (8ii) require Norfolk Southern to address the following statements:

- (i) "Based on consultation with the U.S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects."
- (ii) "State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects."

Based on the information provided, the proposed action is not expected to significantly affect the U.S. Fish and Wildlife resources under the U.S. Fish and Wildlife Service jurisdiction.  
Stanley S. Tucker, Field Supervisor  
Date 11/6/08

FWS Log No. 116-09-60-F101

U. S. Fish and Wildlife Service  
185 West Park Dr., Suite D, Athens, GA 30606  
Phone: 706-613-9443 Fax: 706-613-4059

116-09-60-F101



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 4**

**ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960**

**NOV 03 2008**

**Ms. Kathy Headrick, Coordinator Abandonments  
Strategic Planning – 12<sup>th</sup> Floor  
Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, VA 23510**

**Dear Ms Headrick**

**This letter is in response to the letter of October 16, 2008, requesting comments from the Environmental Protection Agency (EPA) on the abandonment of 12.31 miles of rail line between Milepost 3.69-N and Milepost 16.00-N in Floyd County, Georgia**

**Please be aware that this activity would be subject to the requirements of the Clean Water Act (CWA) if, in the process of dismantling the track, one acre or more of land is disturbed by clearing or grading and if storm water discharges from this disturbance enter a surface water body, either by direct conveyance (pipe, ditch, etc ), or through a municipal separate storm sewer system. The State of Georgia Department of Natural Resources (GA DNR) has been authorized to implement the National Pollutant Discharge Elimination System (NPDES) permit program, under Section 402 of the CWA. Please rely on the response you receive from the State for a final determination in this matter.**

**If EPA can be of further assistance to you in this matter, please contact me.**

**Sincerely,**

A handwritten signature in black ink, appearing to read "Mark Nuhfer", is written over a circular stamp or seal.

**Mark Nuhfer, Acting Chief  
NPDES Permits & Biosolids Section  
Permits, Grants, and Technical Assistance Branch**

**cc Dominic Weatherill, GA DNR, Unit Coordinator**

**Headrick, Kathy, C**

---

**From:** Simon Monroe [Simon.Monroe@noaa.gov]  
**Sent:** Wednesday, January 14, 2009 6:05 PM  
**To:** Headrick, Kathy, C  
**Cc:** Surface Transportation Board, National Society of Professional Surveyors, Gilbert Mitchell  
**Subject:** NGS Response, STB Docket AB-290 (SUB NO 310X)

Thank you for sharing your railroad abandonment environmental report for  
 Cave Spring, Floyd County, GEORGIA.

Approximately 11 geodetic survey marks may be located in the area described

If marks will be disturbed by the abandonment, [THE RAILROAD] shall

consult with the National Geodetic Survey (NGS) at least 90 days prior to

beginning salvage activities that will disturb, or destroy any geodetic station

marks are described on the attached file. Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

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Dist	PID	H V	Vert_Source	Approx	Approx	Stab	Designation
----	-----	- -	-----	-----	-----	----	-----
.	EE2188	2	29/VERT ANG	N341028	W0851348	C .	BV 057 238 GAHD RSET1974
....	EE0779	. 2	88/ADJUSTED	N340918	W0851605	C .	S 193
.	EE0780	2	88/ADJUSTED	N340957	W0851516	C. .	T 193
.	EE2202	2 .	29/VERT ANG	N340853	W0851728	. .	BV 057 231
.	EE0778	. 2	88/ADJUSTED	N340855	W0851706	D.	R 193
. .	EE0772	. 2	88/ADJUSTED	N340753	W0851924	C. .	L 193
. .	EE0775	. 2	88/ADJUSTED	N340747	W0851845	C.	P 193
.	EE0777	. 2	88/ADJUSTED	N340830	W0851753	D..	Q 193
. .	EE0773	. 2	88/ADJUSTED	N340646	W0851959	B .	M 193
. .	EE0774	2	88/ADJUSTED	N340716	W0851934	D .	N 193
.	EE0805	2	88/ADJUSTED	N340628	W0852011	C	R 116

# APPENDIX D

## Norfolk Southern Railway Company Abandonment in Floyd and Polk Counties, GA

### At-Grade Crossings

MILEPOST	STREET
5 07 N	Private
5 50 N	Private
6 45 N	Cunningham Road
8.22 N	Private
8.45 N	Private
8 78 N	Private
9 20 N	Private
9 83 N	Private
10 80 N	CR 12
12 14 N	Mill Road
12 84 N	State Rt 53
13 01 N	Cravern Street
13 44 N	Private

**Environmental Report  
Certificate of Service**

Pursuant to the requirements of 49 C F R. § 1105 8(c), the undersigned hereby certifies that a copy of the Revised Environmental Report in Docket No AB-290 (Sub-No. 310X) was mailed via first class mail on February 5, 2009, to the following parties

Mr Jerry Jennings, Chairman  
Floyd County Board of Commissioners  
8006 Blacks Bluff Road, S W  
Cave Spring, GA 30124

US Fish and Wildlife Service, Region 4  
Century Center  
1875 Century Boulevard  
Atlanta, GA 30345

Mr Marshall Thaxton, Chairman  
Polk County Board of Commissioners  
144 West Avenue, Suite B  
Cedartown, GA 30125

USDA-NRCS  
Federal Building, Box 13  
355 East Hancock Avenue  
Athens, GA 30601

Mayor Rob Ware  
City of Cave Spring  
P O Box 365  
Cave Spring, GA 30124

US EPA – Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, S W  
Atlanta, GA 30303

Mayor Wnght Bagby  
City of Rome  
P O Box 1433  
Rome, GA 30162

Ga Dept of Natural Resources  
2 Martin Luther King Jr Drive, S E  
Suite 1252, East Tower  
Atlanta, GA 30334

Georgia Planning Research and  
Evaluation Division  
8<sup>th</sup> Floor, 270 Washington Street, S W  
Atlanta, GA 30334

Ga Department of Natural Resources  
Coastal Resources Division  
One Conservation Way  
Suite #300  
Brunswick, GA 31520

United States Army Corps of Engineers  
Civil Works Office-Mobile District  
P O Box 2288  
Mobile, AL 36628

National Park Service  
Southeast Region  
100 Alabama Street, S W  
Atlanta, GA 30303

National Geodetic Survey  
1315 East West Highway  
Silver Spring, MD 10910

  
Marcellus C Kirchner

February 5, 2009

**HISTORIC REPORT**  
**PROPOSED RAIL LINE DISCONTINUANCE AND ABANDONMENT**

**PROPOSED ACTION AND ALTERNATIVES**

Norfolk Southern Railway Company (NSR) proposes to abandon 12.31 miles of rail line between railroad milepost 3.69-N and railroad milepost 16.00-N in Floyd County, Georgia. The abandonment will end NSR's common carrier obligation to provide service over this line of railroad.

Service over the line proposed for abandonment was discontinued in 1977 (ICC Docket No. AB-26 (Sub-No. 9)). Other segments of the N line (which originally extended from McDowell, Alabama to Atlanta Junction, Georgia) between Atlanta Junction, Georgia and Jacksonville, Alabama were abandoned from 1977 to 1995 under ICC decisions concerning separate abandonment proceedings. ICC Dockets Nos. AB-290 (Sub-No. 71X), AB-290 (Sub-No. 62X), and AB-290 (Sub-No. 171X). In 2008, the line segment between milepost 55.10-N near Fort McClellan, Alabama, and milepost 61.00-N near Anniston, Alabama, was abandoned pursuant to STB Docket No. AB-290 (Sub-No. 265X), *Norfolk Southern Railway Company – Abandonment Exemption – In Calhoun County, AL*. In addition, another segment on the line between Lilita, Alabama and McDowell, Alabama was abandoned in 1949 under the ICC's decision in ICC Finance Docket No. 16428.

Following abandonment, rail and track materials will be salvaged. Abandonment authority is being sought for this segment so that the Georgia Department of Transportation (GDOT) may construct a new highway across a portion of the right-of-



way between milepost 3 69-N and milepost 3 93-N.

*The alternatives to abandonment of the entire line are to not abandon the line or to retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. Norfolk Southern would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained, and GDOT cannot construct the highway it seeks to construct unless abandonment authority is obtained.*

A map delineating the line proposed for abandonment is attached.

#### **ADDITIONAL INFORMATION**

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Georgia Department of Natural Resources, Historic Preservation Division
- (2) **Written Description of Right of Way** -- The right of way width is 100 feet on each side of the main track centerline. The line passes through rural areas.
- (3) **Photographs** -- Photographs of the bridges were furnished to the Georgia Department of Natural Resources, Historic Preservation Division. Due to the accumulation of dense vegetation during the period of over thirty years that this line has been in discontinued status, the bridges at Mileposts 7 30-N and 14 10-N were inaccessible during the site visit.
- (4) **Date of Construction of Structures** -- See the Bridge List attached to this report.
- (5) **History of Operations and Changes Contemplated** - The line of railroad that is the subject of the related notice to the Surface Transportation Board (STB) is a 12 31-

mile segment of rail line between Mileposts 3 69-N and 16 00-N in Floyd County, Georgia

The origins of this rail line begin with the admission of the State of Alabama into the Union in 1819 Congress stipulated that a portion totaling 5% from the proceeds of the land sold by Congress in the territory would be given back to the State to create public transportation infrastructure within the territory and joining the territory to the rest of the Union The proceeds were not actually dispersed by Congress until 1841 and at this time Congress stipulated that 2% of the funds must be used to connect the Bay of Mobile to the Tennessee River The middle portion of this segment was 135 miles in length and ran from Selma, Alabama to Blue Mountain, Alabama, Blue Mountain residing on the segment proposed for abandonment Originally, the Alabama and Tennessee River Railroad Company was incorporated to build the line from the Alabama River near the town of Selma in Dallas County to some point on the Tennessee and Coosa Railroad determined to be the city of Gadsden In addition to the funding above known as 'The Two Percent Fund', the Alabama and Tennessee River Railroad Company also received land grants In June of 1856, the Alabama and Tennessee River Railroad Company was granted by Congress all property, lands, rights interests, and powers of The Coosa and Alabama Railroad from Selma to Gadsden in order to assist in the construction of the railroad between Selma and Gadsden. The portion from Selma, Alabama to Blue Mountain, Alabama was completed and in operation by May of 1862 In addition, grading had been done to Jacksonville, Alabama, but railroad construction was interrupted by the Civil War

The military need of the Confederate Government compelled an Act to authorize the President of the Confederate States to make all contracts needed to provide military transportation by the construction of railroad between Blue Mountain, Alabama and Rome, Georgia. At this time the idea of the Northern terminus at Gadsden was abandoned. The confederate President persuaded the Alabama and Tennessee River Railroad Company to finish construction through Jacksonville, Alabama and to construct eastward to Rome, Georgia. However, very little work was done before the Civil War interrupted the project again.

After the war, the property of the Alabama and Tennessee River Railroad Company from Selma to Blue Mountain was in need of repair and the line from Blue Mountain to Rome still needed to be built. On May 25, 1866 the Alabama and Tennessee River Railroad Company contracted A. D. Breed of Cincinnati to complete all repairs and construction within forty months extending the railroad past Rome to Dalton, Georgia. To complete the Dalton extension a Georgia company was needed, therefore, the Georgia and Alabama and Dalton and Jacksonville Railroad Companies were acquired by the Alabama and Tennessee River Railroad Company. The new company named the Selma, Rome and Dalton Railroad Company formed on August 8, 1866 from The Alabama and Tennessee River Railroad Company, the Dalton and Jacksonville Railroad Company and the Georgia and Alabama Railroad Company. The complete line from Selma, Alabama to Dalton, Georgia was 235 miles long and was totally complete in October of 1870.

In 1872 the Selma, Rome and Dalton Railroad Company became insolvent and the dissolution of the Selma, Rome and Dalton Railroad Company brought heated

debate regarding identification of the primary lien holders of the property, stemming from bondholders of the original Alabama and Tennessee River Railroad Company and the bondholders of the consolidated Rome and Dalton Railroad Company. This caused the property in Georgia and Alabama to be reorganized separately with the receivers of the Alabama property appointed as Thomas A Walker and later John Tucker who administered the property until 1881. The property in Georgia extending from the county of Polk at the state line to Dalton was sold on November 3, 1874 to Edward D. Cowan and was reorganized as the Georgia Southern Railroad Company. Then in November of 1880, the East Tennessee, Virginia and Georgia Railroad Company, an immediate predecessor of Southern Railway Company, acquired the line segment in Georgia. At the time the East Tennessee, Virginia, and Georgia Railroad Company's southern terminus was at Dalton and the acquisition extended their reach to Etna, Georgia near the state line.

About the same time, the litigation over the land and property in Alabama was resolved and that property was sold to Richard T. Wilson. Soon afterwards, Mr. Wilson sold the property to the East Tennessee, Virginia and Georgia thus extending that railroad all the way to Selma, Alabama. The East Tennessee, Virginia, and Georgia Railroad Company operated the line from Selma, Alabama to Dalton, Georgia as an integral part of their system for thirteen years until 1894 when it was vested with the Southern Railway Company.

Southern Railway Company was incorporated under the laws of the Commonwealth of Virginia on June 18, 1894. Southern Railway Company was successor to Richmond and West Point Terminal Railway and Warehouse Company.

(incorporated in 1880) and its subsidiaries, including principal subsidiaries Richmond and Danville Railroad Company (1847), the East Tennessee, Virginia and Georgia Railway Company (1887), Charlotte, Columbia and Augusta Railroad Company (1869), Virginia Midland Railway Company (1880), Columbia and Greenville Railroad Company (1880), Western North Carolina Railroad Company (1880) and Georgia Pacific Railway Company (1881) Except for leased lines of the Atlanta and Charlotte Air Line Railway Company (1877) and the North Carolina Railroad Company (1868), these railroads were declared insolvent and placed in receivers' hands in 1892. In 1894, these insolvent railroads were sold at foreclosure sales and deeded to the Southern Railway Company. Southern Railway Company also then leased the Atlanta and Charlotte Air Line Railway Company and North Carolina Railroad Company properties Southern Railway Company acquired several other smaller companies in 1894 After its acquisitions and leases in 1894, Southern Railway Company operated 4,432 miles of railway line, 3,940 miles of which were owned and 492 miles of which were leased

Norfolk and Western Railway Company was incorporated by special act of Virginia approved on January 15, 1896, and succeeded, under a plan of reorganization, to the properties of Norfolk and Western Railroad Company, the Lynchburg and Durham Railroad Company (that had been sold first to the Norfolk, Lynchburg and Durham Railroad Company) and the Roanoke and Southern Railway Company (that had been sold first to the Norfolk, Roanoke and Southern Railroad Company) The two companies in parenthesis were organized on the dates of purchase for the sole purpose of acquiring and transferring the property of the named companies to Norfolk and Western Railway Company

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce Commission approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries

On December 4, 1980, Norfolk Southern Corporation, Norfolk and Western Railway Company, and Southern Railway Company filed a joint application to the ICC in Finance Docket No 29430 (Sub-No 1), pursuant to which they sought authority under 49 U S C 11343 for Norfolk Southern Corporation to acquire control through stock ownership of Norfolk and Western Railway Company and its subsidiary carrier companies, and of Southern Railway Company and its consolidated system companies

Under approval granted by the ICC in Finance Docket No 29430 (Sub-No 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I C C 173 (1982), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on the companies' history and development to the time of the Norfolk Southern consolidation. They are: E F Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway Road of the Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985)

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company merged Norfolk and Western Railway Company into Norfolk Southern Railway Company, effective September 1, 1998.

Floyd County was established on December 3, 1832 by an act of the Georgia General Assembly. It was named after United States Congressman John Floyd. Census estimates for 2007 show a population of 95,618.

The City of Cave Spring was established in 1832 by settlers of English and Scottish-Irish ancestry. The town was named for the limestone spring which produces two million gallons of water daily inside a cave in the center of the village. As of the 2000 Census, Cave Spring had 975 residents.

The City of Rome was founded in 1834 by Col. Daniel R. Mitchell, Col. Zacharia Hargrove, Maj. Philip Hemphill, Col. William Smith and Mr. John Lumpkin, who determined the name of the city by holding a drawing. They each put their choice in a hat, with Col. Mitchell submitting the name of Rome, because of the area's hills and rivers, in commemoration of the Italian city of Rome, and that was the name selected. Rome was declared an official city in 1835 by the Georgia Legislature. As of the Census of 2000, Rome had 34,980 residents.

The change contemplated in the operation of the subject railroad line is for Norfolk Southern Railway Company to abandon and salvage the track and material and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation. There is no feasible alternative to the abandonment action because there is no revenue or potential revenue from railroad traffic on the line or other income sufficient to cover the costs of ownership, maintenance and operation of the property.

**(6) Summary of Documents In Carrier's Possession That Might Be Useful for**

**Documenting a Structure That Is Found To Be Historic** - While plans may be available for the structures on the line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction

**(7) Opinion Regarding Criteria For Listing In The National Register Of Historic**

**Places** – NSR's opinion is that neither the structures on the line to be abandoned nor the line itself meet the criteria for listing in the *National Register of Historic Places*. The structures are bridges which are short in length and ordinary in design and construction. There is nothing that distinguishes the bridges from others in the region. NSR has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

**(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery**

– NSR is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction



of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

(9) **Follow-Up Information** - Additional information will be provided as appropriate.

**Norfolk Southern Railway Company  
Abandonment at Cave Spring, GA**

**Bridge List**

<b>Milepost</b>	<b>Spans</b>	<b>Bridge Type</b>	<b>Deck Construction</b>	<b>Length In Feet</b>	<b>Date Constructed</b>
3.70-N	3	Timber	Timber	40.0	1925
3 90-N	1	Timber	Timber	39.1	1930
4 20-N	1	Timber	Timber	66 0	1916
4 30-N	3	Timber	Timber	40 4	1931
4 60-N	3	Timber	Timber	41.0	1931
4 80-N	1	Timber	Timber	42 0	1965
5 70-N	3	Timber	Timber	35.1	1921
5 90-N	1	Timber	Timber	36 6	1922
7 30-N	1	Timber	Timber	62 9	1927
7 80-N	3	Steel	Steel	39.0	1970
10.50-N	2	Thru Truss	Timber	262 0	1901
11 20-N	7	Timber	Timber	90 9	1929
11 80-N	8	Timber	Timber	105 2	1930
13 60-N	2	Timber	Timber	27 3	1927
14 10-N	2	Timber	Timber	26 8	1927
14 40-N	1	Timber	Timber	182 0	1916
14 50-N	1	Timber	Timber	91 2	1916
15 40-N	5	Steel	Steel	98.1	1964
15 80-N	5	Steel	Steel	99 2	1972

**Springer**

## Livingston

**River**

10G

**FOSTERS MILL RD**



## Yana Valley

## CAVE SPRING

**MP 16.00-N**

**NORFOLK SOUTHERN RAILWAY COMPANY  
PROPOSED ABANDONMENT  
MILEPOST 3.69-N - MILEPOST 16.00-N  
FLOYD COUNTY, GEORGIA**

Data use subject to license  
© 2004 DeLorme Street Atlas USA© 2005  
www.delorme.com

51  
TM  
MN (27W)

**Scale 1 87,500**

 $\bar{r} = 1.38 \text{ m}$ 

### Data Zoom 11-2



Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

**Marcellus C. Kirchner**  
Director Strategic Planning  
(757) 629-2679  
(757) 823-5807 FAX

December 19, 2008

Mr Ray Luce, Director and  
Deputy State Historic Preservation Officer  
Georgia Historic Preservation Division  
Department of Natural Resources  
34 Peachtree Street, Suite 1600  
Atlanta, GA 30303-2316

RE STB Docket No AB-290 (Sub-No 310X), Norfolk Southern Railway  
Company - Abandonment – in Floyd County, Georgia

Dear Mr Luce

Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 12 31 miles of rail line between railroad mileposts 3 69-N and 16 00-N in Floyd County, Georgia Enclosed is a Historic Report describing the proposed action and any expected historic effects, photographs, topographical maps and a map of the affected area

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S W , Washington, D C 20423-0001, Telephone (202) 245-0295, and refer to the above Docket Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated as soon as possible Please refer your comments to me by mail at the above address or by email at [marc.kirchner@nscorp.com](mailto:marc.kirchner@nscorp.com)

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action If there are any questions concerning this proposal, please do not hesitate to contact me

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner'.

Marcellus C Kirchner

Enclosures  
cc James R Paschall, Esq

**Historic Report  
Certificate of Service**

Pursuant to the requirements of 49 C F R § 1105 8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No AB-290 (Sub-No 310X) was mailed via first class mail on December 19, 2008 to

Mr Ray Luce, Director and  
Deputy State Historic Preservation Officer  
Georgia Historic Preservation Division  
Department of Natural Resources  
34 Peachtree Street, Suite 1600  
Atlanta, GA 30303-2316



---

Marcellus C Kirchner

December 19, 2008

# Georgia Department of Natural Resources

## Historic Preservation Division

Noel Holcomb, Commissioner

W Ray Luce, Division Director and Deputy State Historic Preservation Officer  
34 Peachtree Street, NW, Suite 1600, Atlanta, Georgia 30303-2316  
Telephone (404) 656-2840 Fax (404) 657-1040 <http://www.gashpo.org>

January 27, 2009

Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

**RE: Abandon Railroad, From Milepost 3.69-N to 16.00-N, 12.31 Miles, Cave Spring  
Floyd and Polk Counties, Georgia  
HP-081230-004**

Dear Mr. Kirchner

The Historic Preservation Division (HPD) has reviewed the submitted information concerning the above referenced project. Our comments are offered to assist the Surface Transportation Board (STB) and Norfolk Southern in complying with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

Based on the information contained in the submittal, HPD finds that no archaeological resources that are listed in or eligible for listing in the National Register of Historic Places (NRHP) will be affected by the proposed project, as defined in 36 CFR Part 800.4(d)(1). HPD does not concur with Norfolk Southern's opinion regarding the NRHP eligibility of the Southern Railway corridor, formerly the East Tennessee, Virginia, and Georgia Railway. HPD finds that the railroad corridor is eligible for listing in the NRHP under Criteria A and C for its significance in the development of Georgia in the areas of transportation and engineering. It is HPD's understanding that the rail abandonment includes the removal and salvaging of the rail and track materials. HPD notes that a majority of the bridges along the corridor are contributing to the railroad corridor and we request information as to whether the abandonment includes removal of any of these bridges. Also, if the purpose of the abandonment is to allow the Georgia Department of Transportation (GDOT) to construct a road that may impact the railroad corridor, then we will need additional information pertaining to the nature of this project, or some assurance that the road project will be subject to additional Section 106 review to ensure the railroad corridor is taken into consideration in project planning.

Please refer to project number **HP-081230-004** in any future correspondence regarding this undertaking. If we may be of further assistance, please do not hesitate to contact Elizabeth Shirk, Environmental Review Coordinator, at (404) 651-6624, or Jackie H. Tyson, Environmental Review Historian, at (404) 651-6777.

Sincerely,



Karen Anderson-Cordova  
Manager, Planning and Local Assistance Unit

KAC:jht

cc Dan Latham, Jr., Coosa Valley RDC

# Georgia Department of Natural Resources

Chris Clark, Commissioner

## Historic Preservation Division

W Ray Luce, Division Director and Deputy State Historic Preservation Officer  
34 Peachtree Street, NW, Suite 1800, Atlanta, Georgia 30303-2316  
Telephone (404) 656-2840 Fax (404) 657-1040 <http://www.gashpo.org>

April 2, 2009

Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

**RE: Abandon Railroad, Between M.P. 3.69-N and 16.00-N, 12.31 Miles, Cave Spring  
Floyd and Polk Counties, Georgia  
HP-081230-004**

Dear Mr. Kirchner:

The Historic Preservation Division (HPD) has received additional information concerning the above referenced undertaking. Our comments are offered to assist the Surface Transportation Board (STB) and Norfolk Southern Corporation in complying with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on additional information provided by the Georgia Department of Transportation in a March 20, 2009 letter to our office, HPD understands that Section 106 compliance has been completed for the road project in the area of the railroad abandonment. Therefore, HPD finds that no archaeological resources or historic structures that are listed in or eligible for listing in the National Register of Historic Places (NRHP) will be affected by the proposed undertaking, as defined in 36 CFR Part 800.4(d)(1).

This letter evidences coordination with our office for Section 106 compliance for this undertaking. If we may be of further assistance, please contact Elizabeth Shirk, Environmental Review Coordinator, at (404) 651-6624.

Sincerely,



Karen Anderson-Cordova  
Manager, Planning and Local Assistance Unit

KAC/ECS

cc Glen Bowman, P.E., GDOT (Attn: Sharman Southall)  
Dan Latham, Jr., Coosa Valley RDC



Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

**Marcellus C. Kirchner**  
Director Strategic Planning  
(757) 629-2679  
(757) 823-5807 FAX

February 6, 2009

Karen Anderson-Cordova  
Manager, Planning and Local Assistance Unit  
Georgia Department of Natural Resources  
Historic Preservation Division  
34 Peachtree Street, NW, Suite 1600  
Atlanta, GA 30303-2316

RE. STB Docket No. AB-290 (Sub-No. 310X), Norfolk Southern Railway  
Company - Abandonment - in Floyd and Polk Counties, Georgia  
HP-081230-004

Dear Ms. Anderson-Cordova

Thank you for your letter of January 27, 2009 concerning the above referenced matter. As you have observed in your response, a small section of the subject line is situated in Polk County.

Attached is a corrected site map which correctly depicts the location of the line.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner'.

Marcellus C. Kirchner

Enclosure

cc Elizabeth Shirk, Environmental Review Coordinator  
Jackie H. Tyson, Environmental Review Historian



# AFFIDAVIT OF PUBLICATION

State of Georgia, }  
County of Floyd } S. S.

Paulette Howell

I

do solemnly swear that I am the

Legal Coordinator

of THE

ROME NEWS-TRIBUNE, printed and published at Rome,  
in the State of Georgia, and that from my personal knowl-  
edge and reference to files of said publication the adver-  
tisement of Notice

was inserted in THE ROME NEWS-TRIBUNE in space  
of Legal Ads

on dates as follows: March 19, 2009

Subscribed and sworn to before me

Paulette Howell

This 19th day of March 2009

Notary Public.

NOTICE OF INTENT TO ABANDON RAIL SERVICE  
Norfolk Southern Railway Company (NSR) gives notice that on or about April 15, 2009, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 permitting NSR to abandon a 12.31 mile line of railroad between (m) leas 13 69 N and (m) leas 16 00 N which traverses through Unincorporated States Postal Service ZIP Codes 30134 and 30161 in Floyd and Polk Counties, Georgia. The proceeding will be docketed as No. AB-2001 (Sub No. 010X). The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA) which will normally be available 15 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 335 E Street, S.W., Washington, DC 20423-0001, or by calling that office at 202 245 0255. Appropriate offers of financial assistance to continue rail service can be filed with the STB. NSR intends to request that exemption from the offering of financial assistance procedures be cause Georgia highway construction will sever the line and disconnect it from the national rail network. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use and offers of financial assistance) must be filed directly with the STB's Office at the Secretary, 335 E Street, S.W., Washington, DC 20423-0001. See 49 CFR 1104.11(a) and 1104.3(a). And one copy must be served on each party's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Congressional and Public Services at 202 245 0230. Copies of any commercial requests for conditions should be served on the official representative in James R. Paschall, Esq., Senior General Attorney, Norfolk Southern Corporation, Place Norfolk, VA 23510 9241 (757) 629 2759 on or before March 19, 2009.



**Exhibit 4**

Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191

**James R. Paschall**  
**Senior General Attorney**

(757) 629-2759

March 31, 2009

Mr. Chuck Eaton, Chairman  
Georgia Public Service Commission  
244 Washington Street, S W  
Atlanta, Georgia 30334

Regional Director  
National Park Service-Southeast Region  
100 Alabama Avenue, S W  
Atlanta, GA 30303

Mr. Harvey Kepler, Administrator  
Office of Intermodal Programs  
Georgia Department of Transportation  
2 Capitol Square, S W  
Atlanta, Georgia 30334

Ms. Jan Matthews, Associate Director  
U S Department of the Interior  
National Park Service  
Cultural Resources, Room 3126  
1849 C Street, N W  
Washington, DC 20240

U S Dept of Defense (SDDCTEA)  
Railroads for National Defense Program  
709 Ward Drive  
Bldg 1990, Room 2E264  
Scott AFB, IL 62225

U S Department of Agriculture  
Chief of the Forest Service  
Sidney R. Yates Federal Building  
1400 Independence Ave., S W  
Washington, DC 20250-0003

Re STB Docket No. AB-290 (Sub-No. 310X), Norfolk Southern Railway Company –  
Abandonment, in Floyd and Polk Counties, Georgia

Ladies and Gentlemen

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about April 15, 2009, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 12.31-mile line of railroad lying between milepost 3.69-N and milepost 16.00-N in Floyd and Polk Counties, Georgia (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it. NSR also will file a petition for exemption from the offer of financial assistance provisions of 49 U.S.C. 10904 and the public use provisions of 49 U.S.C. 10905.

Very truly yours,

James R. Paschall

JRP:kch  
Enclosure